

UNITED STATES OF AMERICA,)	
)	
Vs.)	ORDER
)	
DANNY LEE HALL,)	
)	
Defendant.)	
)	

Findings. An Indictment was issued on April 4, 2006 charging the defendant with conspiracy to manufacture and possess with intent to distribute methamphetamine. After the defendant's arrest, a detention hearing was held and the undersigned ordered that the defendant be detained pending trial and on May 3, 2006 entered an order setting forth the factors that the undersigned considered in ordering the detention of the defendant. On July 6, 2006 the defendant entered a plea of guilty to the charges contained in the Bill of Indictment. On July 19, 2006 counsel for the defendant filed a motion entitled, "Motion for Reconsideration of Bond". In the motion, the defendant's counsel set forth reasons as to a

change of circumstances, that being that the defendant had entered into a plea agreement; that the evidence showed minimal involvement of the defendant; and that “almost all of the co-defendants in this case have been placed on pretrial release”.

The undersigned herewith incorporates by reference the order detaining the defendant entered on May 3, 2006.

Discussion. Evidence was presented by the defendant, through the defendant’s mother, advising that she and her mother needed the defendant to be released to assist in care, not only for the defendant’s mother, but also for the defendant’s grandmother. The defendant further presented evidence through proffer that there were only two references in discovery to the defendant and that the defendant’s involvement in the conspiracy had been minimal.

The undersigned has reviewed all factors as set forth under 18 U.S.C. § 3142(g) and finds as follows:

1. The nature and circumstances of the defendant involve a narcotic drug.
2. The weight of the evidence against the defendant appears to be strong. The defendant has entered a plea of guilty.
3. The undersigned incorporates by reference the findings under this factor as set forth in the order filed on May 3, 2006. The court notes that the defendant has two felony convictions and 10 misdemeanor convictions, including two convictions for assault on a female. The defendant’s criminal record shows that the defendant has criminal convictions during each and every year from and after 1989 except for the year 2000. The defendant

does not have employment because he is disabled and he is receiving disability benefits.

4. Considering the nature and seriousness of any danger to any other person or the community that would be posed by the person's release, the defendant's criminal history shows that there is a danger to any other person or the community that would be posed by his release. Also, the defendant's involvement in a methamphetamine conspiracy is evidence of a danger of release to the community.

Having considered the issue of pretrial release in this matter and particularly the defendant's criminal record for acts of violence and felony convictions, the undersigned is of the opinion that the release of the defendant would create a danger to the community and that there has not been evidence presented that would show a change of circumstances that would cause the undersigned to believe that such danger still exists.

As a result, the undersigned has determined to enter an order denying the motion of the defendant to be released on terms and conditions of pretrial release.

ORDER

WHEREFORE, the undersigned, having reconsidered the issue of pretrial release of the defendant, herewith enters an **ORDER** directing that the defendant continue to be detained pending further proceedings in this matter.

Signed: August 1, 2006

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

